## Remarks/Arguments

Claims 1-22 are pending and stand rejected on varying grounds under § 112 and §103(a). No claims have been amended. Strictly for the Examiner's convenience a claim set showing the present status has been included.

In view of the comments below, Applicant respectfully requests that the Examiner reconsider the present application including claims 1-22 and withdraw the rejection of these claims.

a) Claims 1-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

The Examiner maintains that "The claims(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not enable one of ordinary skill in the art for the WIAD not to have a complete set of the control instructions for the intelligent device. This would cause undue experimentation and would not be a limitation which would flow naturally from the disclosure. Correction is required."

Applicant respectfully disagrees, noting that the specification and figures are replete with references to a desired function and a corresponding subset of control instructions and the web site is described with a program for selecting and returning a portion of the control instructions responsive to a designated function.

For example, the last paragraph on page 5 through the top of page 6 provides an example of a desired function (see line17-18) and a manner for indicating to the WIAD this desired function (see line 18-20) (further noting that the WIAD does not have to be programmed with specific control instructions for the particular brand of VCR). The WIAD identifies the VCR and the desired function to the web site (see line 22-23). The web site returns to the WIAD a subset of control instructions for controlling the VCR to perform the desired function (see p6, lines 2-5).

FIG. 3 shows a block diagram of a WIAD and the discussion of this block diagram at page 8, line 13, discusses selecting the desired function and communicating with the network to define the desired function. Beginning at page 9, line 7, the WIAD of FIG. 3 is further described as having a memory including a function definition program 312, space for storing intelligent device identity and desired function and corresponding subset of control instructions 316 returned from the web site 110.

FIG. 4 shows a block diagram of a web site 110 including a memory 408, which further includes device and function identities (desired function) received from WIAD (page 10, line 12, et sequence), space for control instructions 414 (preprogrammed or available from a server), and a subset selection program 416 for selecting a subset of the control instructions which subset corresponds to those instructions necessary for performing the desired function (page 11, line 1-4).

The flow diagram of FIG. 5 again discusses identifying a desired function and device to a web site by a WIAD and returning a subset of control instructions for performing the desired function. Clearly on of ordinary skill will realize that a subset is less than a full set.

Applicant concedes that detailed source code is not shown for performing these operations, but respectfully submits in view of the evidence, that sufficient information regarding the inventive concepts and principles has been disclosed to enable one of ordinary skill to " ...not to have a complete set of the control instructions for the intelligent device" without undue experimentation.

Applicant therefore respectfully submits that this rejection has been traversed and overcome and respectfully requests that the Examiner reconsider and withdraw this rejection of claims 1-22 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

b) Claims 1-3, 5, 8, 9, 11-13, 15 and 17-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Escobosa et al (US Pub. No. 2003/0151538) in view of Allport (US Patent No. 6,104,334).

Claims 1, 11, 18, and 21 are independent claims with the other cited claims dependent on the closest lower numbered independent claim.

With reference to claim 1, the Examiner repeats verbatim his comments from the June 6, 2007 Office action (see Sept. 6, 2007 Office Action page 3, paragraph 6 – page 4, top 3 paragraphs) and then adds and maintains (see pg 4, 4th paragraph) "wherein the client device

does not have a compete [sic] set of the control instructions for the intelligent device (i.e. only those movies which the user has paid for have the codes downloaded to the remote, therefore all the codes in order to unlock all the movies are not found on the client device, and therefore meets the limitation) (par 67)."

In Applicant's June 6, 2007 response, Applicant noted that Escobosa et al teaches downloading the IR command code set ([0065], line 3) or the code data ([0066], line 4) and additionally a sequence of pre-programmed instructions ([0065], line 4) or set of instructions and remote control sequences ...([0066], line 6). Clearly Escobosa et al teaches downloading the entire code set and then additional information, e.g., pre-programmed instructions to perform various operations (setup, etc.), including channel tuning command sequences, pre-defined sequences for setting up appliances, private access codes or numbers to activate premium series, pay per view movies, etc. The additional information sequences utilize the previously provided code data or IR code set in various sequences to perform various operations as noted; however nothing in Escobosa et al suggests returning to a WIAD only a subset of all possible control instructions for controlling the intelligent device and forwarding this subset to the intelligent device where the WIAD does not have a complete set of control instructions for the intelligent device all as claimed.

The Examiner §18, page 8, Sept 26, 2007 Office action further maintains that "Applicant argues, in substance, that (1) Escobosa does not disclose sending only a subset of the control instructions to the remote control, (2) Escobosa does not disclose that the remote control does not have a complete set of the control instructions."

With reference to point (1), the Examiner maintains that "Applicant is incorrect" and states "As shown in ¶ 67 of Escobosa, an icon for the pay-per-view event is downloaded to the remote control, as well as a numeric code to be transmitted to the TV. This numeric code can be construed as a control instruction because it provides instructions to unlock the pay-per-view event on the TV. Since when purchasing the item, only the icon and the numeric code is downloaded, this clearly meets the "only a subset of the control instructions" since no other information is downloaded. By this rationale, the rejection is maintained."

Applicant respectfully submits that the Examiner is mischaracterizing Escobosa et al. The Icon and numeric code are downloaded to a remote control after the remote control has received the complete IR code set. The website is providing an Icon and a numeric code, e.g., 12345, and has nothing to do with providing control instructions (IR codes or code data) for a particular device. The numeric sequence is not sent to the intelligent device as a numeric sequence, but rather as control commands (IR codes) corresponding to the numeric sequence. This is an example of a sequence of instructions as clearly discussed in [0065], lines 3-5. This was also discussed on page 11 next to last paragraph in Applicants June 16, 2007 Response, which is copied below:

> "With reference to Escobosa et al [0067] and FIG. 16, Applicant notes that a movie may be selected and, responsive to the selection, an icon indicative thereof is downloaded and placed on the remote controller screen. Assuming that watching the movie amounts to touching the icon, it reasonably follows that touching the icon must send a sequence of IR codes (subset of control instructions) to the home theatre to effect this response. Even if these assumptions are accurate, there is still nothing in Escobosa et al that states or may be reasonably construed to show that this set of IR codes was downloaded along with the icon when the movie was selected. Escobosa et al merely states that the icon and a numeric code were downloaded. It is just as reasonable to assume that the IR codes to effect watching the movie were locally associated with the icon as it is to

assume they were downloaded with the icon. Either assumption in the end is the product of conjecture or speculation and not the teaching of Escobosa et al."

With reference to point (2), the Examiner maintains that "Applicant is incorrect" and further that "The numeric codes located within the remote control pertain to the pay-per-view events in which the user has purchased. Only those codes are downloaded. Therefore there are some control instructions (I.e. those pay-per-view events which the user has not purchased) which are not found in the client device. This meets the claimed limitation. By this rationale, the rejection is maintained."

Applicant respectfully submits that the Examiner is mischaracterizing Escobosa et al. As noted above, the code set is downloaded and thereafter the Icon and a particular sequence of instructions (access numbers) is downloaded and used to provide the corresponding sequence of control commands (IR codes) (using the code set at the remote control?) to match up with the numeric code. Again the control commands are already in the remote control unit and are not downloaded with the Icon. Applicant concedes that all possible sequences are not per se already stored in the remote control, however all control codes are stored, at least as far as Escobosa et al is teaching.

Applicant respectfully submits that the Examiner did not address Applicant's arguments regarding Allport. This discussion is repeated below and Applicant respectfully requests that the Examiner consider these comments.

"The Examiner concedes that "Escobosa does not disclose that the defining is done using the wireless internet access device (i.e the remote control)." But maintains that in "In analogous

art, Allport, discloses another method for command brokering for a device which discloses defining on a wireless internet access device a desired function to be performed on the device (i.e. the user is capable of modifying the look-and-feel of the remote control, modify button functionality, etc.) (Figure 1, ref. 80; e.g. abstract; col. 5, line 50 to col. 6, line 13; col. 23, line 59 to .col. 24, line 31)."

Assuming *arguendo* that Allport may be reasonably construed as the Examiner indicates, this does not supply the claimed feature that the Examiner concedes is missing from Escobosa et al. The claimed feature is defining in a WIAD a desired function to be performed by the intelligent device; not a function to be performed by/at the WIAD. Changing the look and feel of the remote is affecting a function in the remote and not a desired function in the intelligent device, and thus on its face Allport does not show or suggest the claimed features conceded to be missing from Escobosa et al."

Thus and in view of the discussions above and clear indication that Escobosa et al and Allport do not teach all features of claims 1, 11, 18, or 21 or, at least by virtue of dependency, claims 2-3, 5, 8, 9, 12-13, 15, 17, 19-20, and 22, Applicant respectfully submits that this combination of references does not support a rejection of any of these claims. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1-3, 5, 8, 9, 11-13, 15 and 17-22 under 35 U.S.C. 103(a) as being unpatentable over Escobosa et al (US Pub. No. 2003/0151538) in view of Allport (US Patent No. 6,104,334).

b) Claims 4, 6, 7, 14, and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Escobosa et al and Allport in view of Maymudes (US Patent No. 6,748,276).

Each of these claims is dependent on either claim 1 or claim 11. Claim 1 and claim 11 are allowable over this combination of references and thus, at least by virtue of dependency, these claims are likewise allowable.

Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 4, 6, 7, 14 and 16 under 35 U.S.C. 103(a) as being unpatentable over Escobosa and Allport and further in view of Maymudes (US Patent No. 6,748,278).

c) Claim 10 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Escobosa and Allport in view of Baun et al (US Pub. No. 2003/0197930).

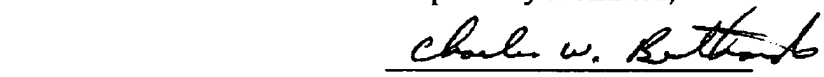
Claim 10 is dependent on claim 1. Claim 1 is allowable over this combination of references. Thus claim 10, at least by virtue of dependency, is similarly allowable.

Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 10 under 35 U.S.C. 103(a) as being unpatentable over Escobosa and Allport and further in view of Baun et al. (US Pub. No. 2003/0197930).

Accordingly, Applicant respectfully submits that the pending claims clearly and patentably distinguish over the cited references of record and as such are to be deemed allowable. Such allowance is hereby earnestly and respectfully solicited at an early date. Particularly in view of the length of pendency for the present application, if the Examiner has any suggestions or comments or questions, calls are welcomed at the phone number below.

Although it is not anticipated that any fees are due or payable, since this response is being timely filed within the allowed 3 month time period and no other fees appear to be due or payable, the Commissioner is hereby authorized to charge any fees that may be required or credit any overpayments to Deposit Account No. **50-3435.**

Respectfully submitted,



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